

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1995, each agency shall begin the rulemaking process by 1st filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Arizona Administrative Register.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 18. ENVIRONMENTAL QUALITY

#### CHAPTER 12. DEPARTMENT OF ENVIRONMENTAL QUALITY UNDERGROUND STORAGE TANKS

##### PREAMBLE

1. **Sections Affected:**

R18-12-101 R18-12-601 Article 8 R18-12-801 R18-12-802 R18-12-803 R18-12-804 R18-12-805 R18-12-806 R18-12-807 R18-12-808 R18-12-809	<b><u>Rulemaking Action:</u></b> Amend Amend New Article New Section New Section New Section New Section New Section New Section New Section New Section New Section
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2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 49-104(B)(4), 49-1014, 49-1082, and 49-1052

Implementing statutes: A.R.S. §§ 49-104(B)(4), 49-1014, 49-1082, and 49-1052
3. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

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**4. An explanation of the rule, including the agency's reasons for initiating the rule:**

**UST TANK SERVICE PROVIDER CERTIFICATION RULE**

Background

This rulemaking is a culmination of session law, statutory changes, reports to the Governor and the legislature and, finally, a mandate for this rulemaking. The Arizona Legislature required, under Laws 1995, Ch. 229 (H.B. 2188), Section 6(D), a study of the certification and monitoring of professionals providing service to government agencies and the public. The underground storage tank corrective action program and the standards for qualifying individuals as professionals practicing in environmental disciplines were part of the study.

As a result of the legislative mandate, the Department of Environmental Quality (Department), State Fire Marshal, Registrar of Contractors (ROC), and Board of Technical Registrations (BTR) met to develop a plan to provide standards of qualifications for professionals practicing in environmental disciplines, including environmental consultants and environmental contractors. These agencies examined registration, licensing, and certification as options for qualifying these professionals. The agencies concluded that a certification procedure is needed for underground storage tank (UST) service providers to ensure proper installation and testing, reliable cathodic protection or lining, and safe decommissioning of USTs.

In response to this study, Chapter 292, SB1403, the 2nd Regular Session of the 42nd Legislature, includes the addition of Article 5 on certification to the UST statutes found at A.R.S. Title 49, Chapter 6. The only express requirements are that a tank service which is subject to certification requirements cannot be performed without the certification, the areas of certification are specified, and the period for certification must be at least one year. The new Article includes A.R.S. § 49-1082 (Certification of underground storage tank service providers; rules; suspension or revocation of certification) which is the primary implementing authority and basis for today's proposed rule.

The proposed rule sets forth the standards and process used by the Department for conducting the certification program for persons or individuals that perform UST Installation/Retrofitting, UST Decommissioning, UST Tightness Testing and UST Cathodic Protection Testing.

Examination Process provided by IFCI

The Department chose to use the International Fire Code Institute (IFCI) examination for tank service providers to show a basic level of competency when performing tank service. IFCI examinations are based upon national codes of practice and industry standards which test the areas of UST tank installation or retrofit, decommissioning, tightness testing, and cathodic protection. Appendix I contains lists of the information which the examinee is required to know for each category of an IFCI examination.

At least 8 states have a legislative mandate (equivalent to the Arizona Revised Statutes) to promulgate administrative regulations requiring any person or organization that installs, repairs, or decommissions USTs, to become licensed or certified to perform these tank services. The certification programs in these states include the examinations administered by IFCI. Additionally, there are other states that have a voluntary certification program which uses the IFCI examination for verifying a tank service provider's competency.

The Department determined that the most cost-effective and efficient way of implementing the certification program is to use the IFCI examination wherever practicable. One benefit of using the IFCI examination program is the immediate implementation of a program that examines an individual's knowledge of national standards and industry practices. There also is no need to create a unique program, therefore the Department can pass on a cost savings to the tank service providers. There is no additional fee charged by the Department; for certification, the only fee will be the cost of taking an examination.

IFCI has a set of rules and procedures for their program. The purpose of the program is to promote the advancement of individuals and public safety in the fire service and related environmental protection professions and underground liquid petroleum storage tank professions. The program provides agencies a mechanism to evaluate individuals knowledge of the Code of Federal Regulations, Occupational Safety and Health requirements, and the standards required by the Uniform Fire Code. To ensure IFCI provides the requisite testing needed to demonstrate competency in UST tank services, the Department intends to work closely with IFCI at all times. The Department will maintain oversight of the IFCI examination by having a Department employee participate on the committee at all times. The Department's presence on the committee is to ensure the IFCI examinations provide testing of current national regulations and industry standards. Membership on the certification committee ensures continuous participation in the examination and certification process.

The Department looked very closely at the examination services provided by IFCI. The Department wants to make the examination readily available to all tank service providers regardless of their location in Arizona. IFCI's rules and procedures will be kept by the Department for review by anyone. The IFCI rules are summarized as follows:

An examination reservation may be made up to 3 business days prior to the desired test date. Testing days are Tuesday through Saturday. The test is administered on an electronic device that eliminates the use of paper, answer sheets, or scan forms, and allows the test taker to know their score upon completion of the exam. The examination service certifies that it will comply with the provisions of the Americans with Disabilities Act.

Examinations are currently offered in Phoenix, Tuesday through Saturday, and in Tucson on Tuesday and Saturday. To ensure someone living outside Phoenix or Tucson does not have to travel far for the exam, the examination service may offer an alternative location on a case-by-case basis.

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The information summarized above is found in the IFCI rules. A current copy will be at ADEQ at all times for review by the regulated community.

The Department estimates the cost of the certification program to the tank service provider who qualifies through the IFCI examination will be limited to the cost of the examination. If an individual takes all examinations offered by IFCI, at \$50 per exam, the total cost would be \$200 every 2 years. Study manuals may increase the cost for the examinations. The examinations cover national industry standards and include the current requirements found in the Code of Federal Regulations for USTs and the Uniform Fire Code. The Department believes that anyone providing proper tank services probably uses the documents that the examinations reference. Therefore, the Department estimates the primary cost for the examinee to be the cost of each test and the time to prepare for the test.

Alternative Qualification

There are 2 circumstances when the IFCI certification will not be the best alternative for demonstrating qualification for a tank service activity. First is where the service provider holds a specified certification from the National Association of Corrosion Engineers, and the 2nd is where there is no applicable IFCI examination.

The Department is aware of the rigorous testing for a corrosion expert required by the National Association of Corrosion Engineers (NACE). The cathodic protection certification is designed to certify a cathodic protection tester and is not intended to certify a corrosion expert. The rule contains an exemption from the IFCI examination for a cathodic protection tester if the tank service provider holds a current certification from NACE as a "corrosion specialist" or a "cathodic protection specialist", "senior corrosion technologist", or a "corrosion technologist".

In some cases, a tank service provider may be qualified to employ a form of technology described in one or more of the tank service categories (R18-12-803) which is not covered by an IFCI examination. In these cases, certification can still be obtained if the manufacturer of the technology has a certification program which meets the rule requirements. The Department certification must be renewed every 2 years so that the currency of the manufacturer's certification is ensured. If IFCI develops an examination which covers the technology, the Department will inform all tank service providers using the alternative qualification that the new IFCI examination exists. If the IFCI examination is not successfully completed within 90 days of the notice from the Department, the certification using the manufacturer's certification will be void.

Transition

The Department reviewed the implementation of the certification program and concluded that although the rule must be adopted by December 31, 1996, the tank service provider should be given time to transition into the program. The transition is intended to maximize participation by tank service providers. Any person who performs tank service between January 1, 1997, and March 31, 1997, who has not secured full certification from the Department, is required to request temporary certification, in accordance with R18-12-802. The request must be made on or before January 31, 1997. This provides 30-days notice of the need to request certification. The request for temporary certification shall be in writing, and no examination is required. The Department will then grant temporary certification to the tank service provider. This allows up to 90 days for a person who has not received full certification by December 31, 1996, to complete the IFCI examination. After March 31, 1997, an individual must have full certification by the Department in order to perform tank service in Arizona.

Certification Process

To comply with A.R.S. § 49-1082, the Department chose to certify the tank service provider for a period of 2 years because passage of an IFCI exam is valid for only 2 years. The benefit of following the IFCI certification period is that the Department does not need to notify an individual that their certification is due, because IFCI will automatically send out an individual reminder 6 months prior to the expiration of their certification. This provides notice to the individual with no additional cost to the Department.

Certification based on an alternative qualification is also valid for 2 years. Under the alternative certification provisions of R18-12-805, the individual is responsible for submitting the certification application on a timely basis so that certification may be maintained.

The Department reviewed the possibility of reciprocity and determined that the alternative was not necessary. The vast majority of applicants for Arizona certification will demonstrate qualification based on the IFCI examination. Reciprocity was rejected for two reasons. First of all, state specific experience would not qualify an individual for Arizona certification. Secondly, an individual who has taken the IFCI exam in any state other than Arizona, satisfies Arizona's requirement, therefore the individual need only show proof of passing the examination, regardless of where the examination was taken. Qualification based on the NACE certification, like the IFCI examination, has national application. Similarly, certification based on manufacturer's standards of competence will run across jurisdictional lines.

Once the appropriate examination has been passed or the manufacturer's certification received, the tank service provider completes a simple application form (as described in R18-12-806(C)), attaches the evidence of qualification along with a passport type photograph, and makes submission to the Department. The rule requires the Department to issue the certification card within 30 days of receipt of a complete application package.

Suspension and Revocation

If the Department finds a tank service provider falsified information to obtain certification, then the certification may be revoked after a hearing. The tank service provider cannot be certified for the period of time remaining on the falsified certification. This

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removes any remaining benefit the tank service provider might have received from work during the certification period.

If the Department discovers a tank service provider is performing substandard work, the Department will suspend the providers certification for 30 days. For a 2nd violation the suspension period is 90 days and the service provider must surrender the certification card. The card will be returned, upon request, after the 90-day period has run. The 3rd violation will result in a 2-year revocation. At the end of the 2 years the tank service provider may again apply for certification. In all cases, the individual is entitled to a hearing pursuant to A.R.S. Title 41, Chapter 6, Article 10.

Note, that a tank service provider who loses certification can still perform tank service, but it must be under the "supervision" of a certified tank service provider.

The State Assurance Fund

The Department is amending 18 A.A.C. 12, Article 6, "Underground Storage Tank Assurance Fund" to include the proposed certification process as a means of obtaining qualified status for SAF payment. The qualification requirement is currently met by researching and verifying the work performed by contractors. Using the certification program for tank service providers as a means of satisfying the qualification requirement will expedite the process. The claims adjusting firm under contract with the Department will only need to verify proof of Department certification to qualify or pre-qualify the tank service provider's work for SAF payment rather than researching someone's work history. The amendment to R18-12-601 establishes a 1-stop certify/qualify procedure. The tank service provider will not be required to qualify under two different processes for any work performed within the scope of the Article 8 certification. Note that the temporary certification does not fulfill the requirement for qualification under R18-12-601.

The Department does not anticipate an incremental cost for issuing the certification because the claims adjusting firm under contract with the Department receives a flat annual fee to process qualification applications, and can qualify tank service providers by collecting the application form and proof that the qualification standard has been met, issuing the certification identification card, and adding the individual to the qualification list. This minimizes the impact on the Department while streamlining the qualification process of the tank service provider.

Definitions:

To increase the reader's understanding of this rule, 3 terms have been added to the UST definitions under R18-12-101. The 1st definition added is to clarify "decommissioning." The definition distinguishes decommissioning as an element of closure. It is possible that some confusion may arise about the certification for closure tank service. The definition of "on-site control" was included to clarify the supervision role during tank service. "Retrofit" has been defined to clarify the difference between "repair" and "retrofit." Repair defines the situations when a certified person is not required to perform the tank service. For example, if there is a hole in the pipe, and the pipe can be patched without removing any portion of the damaged pipe, then the action is considered a repair. If the hole requires cutting out the portion of the pipe with the hole, and replacing it with a new pipe, then the work is considered "retrofit." Retrofit requires a certified tank service provider to ensure the safe and proper replacement of the pipe.

Summary

The objective of this rule is to implement the certification program for tank service providers as mandated by the legislature. Owners and operators of UST systems will have an additional means of verifying that the tank service provider they are retaining more likely than not has sufficient competency in specific categories of service to perform their work in compliance with the law. This rule uses existing programs to establish qualification for Department certification. By utilizing these existing qualification standards and a simplified application/verification process, the rule will meet the requirements of the legislation while minimizing costs to the service providers seeking certification, to the Department, and ultimately to the UST owners and operators.

**APPENDIX I**

IFCI examinations are based upon national codes of practice and industry standards that include UST tank installation or retrofit, decommissioning, tank tightness testing, and cathodic protection.

The category for installation and retrofit of an UST tests knowledge of the following:

- site preparation
- materials
- excavation
- bedding and backfill
- placement of equipment
- system lining and retrofitting
- secondary containment
- vapor recovery systems
- tank decommissioning

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- installing cathodic protection
- conducting hydrostatic pressure tests and other tank tightness tests prior to installation
- conduct testing to determine the height of the water table surrounding the tank and report system leaks as required
- excavation safety

The category for tightness testing of an UST tests knowledge of the following:

- reviewing past tightness test records
- scheduling tightness tests
- informing the owner/operator of past tightness test records
- site preparation and UST system layout
- determining proper test methods to meet state and federal requirements
- determining compliance with regulations for proper operation of leak-detection systems
- determining the height of the water table and other variables and the effect they have on the tightness test
- volumetric and non-volumetric testing methods and procedures
- identification and control of flammable or combustible vapors and removal of the possibility of sparks and sources of ignition by methods such as grounding and bonding of electrical equipment

The category for cathodic protection of an UST test knowledge of the following:

- obtaining and reviewing previous records of the UST system which show cathodic protection data
- obtaining site data and measurements for stray currents, soil resistivity moisture content, chloride and sulfide content of the soil, measuring electrical potential between the structure and soil, and electrical continuity in the piping
- determining the site layout of the UST system such as clearances between tanks and other structures

Note: Cathodic protection certification is designed to certify cathodic protection testers as defined in Article 1 of this Chapter and is not intended to certify a corrosion expert. A corrosion expert designs and installs the cathodic protection system, whereas the cathodic protection tester will test and verify the cathodic protection system is operating properly.

The category for decommissioning of an UST tests knowledge of the following:

- site preparation which includes determining clearances to utility lines, structures and property lines, sources of ignition, determining water table levels, soil stability, and possible presence of contamination
- reporting requirements for recording leaks of products
- tank decommissioning and cleaning which includes draining product from piping and tank and removal of sludge; properly disposing of residual product; removing the tank; purging the tank; and cleaning, inerting, selling, or somehow recycling the tank which includes associated fixtures
- storage and transportation of tanks
- contaminated soil handling
- health and safety for UST workers

**5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**6. The preliminary summary of the economic, small business and consumer impacts:**

The Department estimates the cost of the certification program to be the cost of an examination. If an individual takes all examinations offered by IFCL, at \$50 per exam, the total cost would be \$200 every 2 years. Study manuals may increase the cost for the examinations. The examinations cover national industry standards and include the current requirements found in the Code of Federal Regulations for USTs and the Uniform Fire Code. The Department believes that anyone providing proper tank services probably uses the documents that the examinations reference. Therefore, the Department estimates the primary cost for the examinee to be the cost of each test and the time to prepare for the test.

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The Department does not anticipate an incremental cost for issuing the certification because the claims adjusting firm under contract with the Department who qualifies all tank services is able to collect the application form and proof of passage of the IFCI tank service provider examination, issue the certification identification card, and add the individual to the qualification list. This minimizes the impact on the Department while streamlining the qualification process of the tank service provider.

Therefore, the Department believes this rule imposes a minimum impact on tank service providers which is far outweighed by the benefit of tank owners and operators knowing of a person's basic level of competency to perform tank service.

The Department invites any comments about this impact.

**7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Lynn A. Keeling  
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**8. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:**

Oral proceedings will be held at the following locations:

Date: October 15, 1996  
Time: 1 p.m.  
Location: State Office Building, Room 222  
400 West Congress  
Tucson, Arizona

Date: October 16, 1996  
Time: 1 p.m.  
Location: Flagstaff City Council Chambers  
211 West Aspen  
Flagstaff, Arizona

Date: October 17, 1996  
Time: 9 a.m.  
Location: Department of Environmental Quality  
3033 North Central  
Room 117(B)  
Phoenix, Arizona

Please call (520) 628-6301 in Tucson, (520) 773-7630 in Flagstaff, or (602) 207-4795 or (TTD) (602) 207-4829 in Phoenix for special accommodations pursuant to the Americans with Disabilities Act. Comments must be received by 5 p.m., October 18, 1996.

**9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

**10. Incorporation by reference and their location in the rules**

Not applicable.

**11. The full text of the rules follows:**

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 12. DEPARTMENT OF ENVIRONMENTAL QUALITY  
UNDERGROUND STORAGE TANKS**

**ARTICLE 1. DEFINITIONS**

Section

R18-12-101. Definitions

**ARTICLE 6. UNDERGROUND STORAGE TANK  
ASSURANCE FUND**

R18-12-601. Qualification Standards for Performing Corrective  
Action Services

**ARTICLE 8. TANK SERVICE PROVIDER  
CERTIFICATION**

<u>R18-12-801.</u>	<u>Applicability; Presentation of Certification</u>
<u>R18-12-802.</u>	<u>Transition</u>
<u>R18-12-803.</u>	<u>Categories of Certification</u>
<u>R18-12-804.</u>	<u>International Fire Code Institute Exam; Additional Certification</u>
<u>R18-12-805.</u>	<u>Alternative Certification</u>
<u>R18-12-806.</u>	<u>Application; Certification</u>
<u>R18-12-807.</u>	<u>Duration; Renewal</u>
<u>R18-12-808.</u>	<u>Discontinuation of Tank Service</u>
<u>R18-12-809.</u>	<u>Suspension; Revocation</u>

**ARTICLE 1. DEFINITIONS**

**R18-12-101 Definitions**

In addition to the definitions prescribed in A.R.S. § 49-1001, the terms used in this Chapter have the following meanings:

1. "Accidental release" means, with respect to Article 3 only, any sudden or nonsudden release of petroleum from an UST system that is neither expected nor intended by the UST system owner or operator, that results in a need for 1 or more of the following:
  - a. Corrective action,
  - b. Compensation for bodily injury,
  - c. Compensation for property damage.
2. "Ancillary equipment" means any device used to distribute, dispense, meter, monitor, or control the flow of regulated substances to and from an UST system.
3. "Annual" means, with respect to R18-12-240 through R18-12-245 only, a calendar period of 12 consecutive months.
4. "Applicant", for purposes of Article 7 only, means an owner or operator who applies for a grant from the UST grant account.
5. "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.
6. "Aviation fuel", for the purpose of Article 4 only, has the meaning ascribed to it in A.R.S. § 28-101(4).
7. "Bodily injury" means injury to the body, sickness, or disease sustained by any person, including death resulting from any of these at any time.
8. "Cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell.
9. "Cathodic protection tester" means a person who can demonstrate an understanding of the principles and mea-

surements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such a person shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

10. "CERCLA" has the meaning ascribed to it in A.R.S. § 49-201(4).
11. "CFR" means the Code of Federal Regulations, with standard references in this Chapter by Title and Part, so that "40 CFR 280" means Title 40 of the Code of Federal Regulations, Part 280.
12. "Change-in-service" means changing the use of an UST system from the storage of a regulated substance to the storage of a non-regulated substance.
13. "Chief financial officer" means, with respect to local government owners and operators, the individual with the overall authority and responsibility for the collection, disbursement, and use of funds by the local government.
14. "Clast" means an individual constituent, grain, or fragment of a sediment or rock, produced by the mechanical weathering of a larger rock mass.
15. "Clean Water Act" has the meaning ascribed to it in A.R.S. § 49-201(5).
16. "Compatible" means the ability of 2 or more substances to maintain their respective physical and chemical properties upon contact with 1 another under conditions likely to be encountered in the UST during the operational life of the UST system.
17. "Connected piping" means all underground piping including valves, elbows, joints, flanges, and flexible connectors that are attached to a tank system and through which regulated substances flow. For the purpose of determining how much piping is connected to an individual UST system, the piping that joins multiple tanks shall be divided equally between the tanks.
18. "Consultant" means a person who performs environmental services in an advisory, investigative, or remedial capacity.
19. "Consumptive use" means, with respect to heating oil only, use on the premises.
20. "Contamination" means the existence of a regulated substance outside the confines of an UST system.
21. "Contractor" means a person who is required to obtain and hold a valid license from the Registrar of Contractors which permits bidding and performance of removal, excavation, repair, or construction services associated with an UST system.
22. "Controlling interest" means direct ownership of at least 50% of a firm, through voting stock, or otherwise.
23. "Corrective action services" means any service that is provided in order to fulfill the statutory requirements of A.R.S. § 49-1005 and the rules promulgated thereunder.
24. "Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal

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- tanks. The person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.
25. "Cost ceiling amount" as described in R18-12-605 means the maximum amount determined by the Department to be reasonable for a corrective action service.
26. "Current assets" means assets which can be converted to cash within 1 year and are available to finance current operations or to pay current liabilities.
27. "Current liabilities" means those liabilities which are payable within 1 year.
28. "Decommissioning" means, with respect to Article 8 only, activities described in R18-12-271(C)(1) through (4).
- 28-29. "De minimis" means that quantity of regulated substance which is described by 1 of the following:
- When mixed with another regulated substance, is of such low concentration that the toxicity, detectability, or corrective action requirements of the mixture are the same as for the host substance.
  - When mixed with a non-regulated substance, is of such low concentration that a release of the mixture does not pose a threat to human health or the environment greater than that of the host substance.
- 29-30. "Department" has the meaning ascribed to it in A.R.S. § 49-101(1).
- 30-31. "Dielectric material" means a material that does not conduct electrical current and that is used to electrically isolate UST systems or UST system parts from surrounding soils or portions of UST systems from each other.
- 31-32. "Diesel" means, with respect to Article 4 only, a liquid petroleum product that meets the specifications in American Society for Testing and Materials Standard D-975-94, "Standard Specification for Diesel Fuel Oils" amended April 15, 1994 (and no future amendments or editions), which is incorporated by reference and on file with the Department and the Office of the Secretary of State.
- 32-33. "Director" has that meaning ascribed to it in A.R.S. § 49-101(2).
- 33-34. "Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.
- 34-35. "Eligible person" means, with respect to Article 6 only, a member of the class of persons regulated by A.R.S. Title 49, Chapter 6, and the rules promulgated thereunder, not otherwise excluded under A.R.S. § 49-1052, and including all of the following:
- Any owner, operator, or designated representative of an owner or operator,
  - A political subdivision pursuant to A.R.S. § 49-1052(H).
  - A person described by A.R.S. § 49-1052(I).
- 35-36. "Emergency power generator" means a power generator which is used only when the primary source of power is interrupted. The interruption of the primary source of power shall not be due to any action or failure to take any action by the owner or operator of either the emergency generator or of the UST system which stores fuel for the emergency generator.
- 36-37. "Excavation zone" means the volume that contains or contained the tank system and backfill material and is bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.
- 37-38. "Existing tank system" means a tank system used to contain an accumulation of regulated substances on or before December 22, 1988, or for which installation has commenced on or before December 22, 1988.
- 38-39. "Facility" means, with respect to any owner or operator, all underground storage tank systems used for the storage of regulated substances which are owned or operated by such owner or operator and located on a single parcel of property, or on any contiguous or adjacent property.
- 39-40. "Facility identification number" means the unique number assigned to a storage facility by the Department either after the initial notification requirements of A.R.S. § 49-1002 are satisfied, or after a refund claim is submitted and approved pursuant to R18-12-409.
- 40-41. "Facility location", for the purpose of Article 4 only, means the street address or a description of the location of a storage facility.
- 41-42. "Facility name" means the business or operational name associated with a storage facility.
- 42-43. "Farm tank" means a tank system located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank shall be located on the farm property. The term "farm" includes fish hatcheries, rangeland, and nurseries with growing operations.
- 43-44. "Financial reporting year" means the latest consecutive 12-month period, either fiscal or calendar, for which financial statements used to support the financial test of self-insurance under R18-12-305 are prepared, including the following, if applicable:
- A 10-K report submitted to the Securities and Exchange Commission,
  - An annual report of tangible net worth submitted to Dun and Bradstreet,
  - Annual reports submitted to the Energy Information Administration or the Rural Electrification Administration.
- 44-45. "Firm" means any for-profit entity, not-for-profit entity, or governmental subdivision. An individual doing business as a sole proprietor is a firm for purposes of this Chapter.
- 45-46. "Flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. The term "flow-through process tank" does not include a tank used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.
- 46-47. "Free product" means a regulated substance that is present as a nonaqueous phase liquid (for example, liquid not dissolved in water).
- 47-48. "Gathering lines" means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.
- 48-49. "Grant request" means the total amount requested on the application for a grant from the UST grant account, plus any cost to the Department for conducting a feasibility determination in accordance with R18-12-710, in conjunction with the application.
- 49-50. "Groundwater" has that meaning ascribed to it in A.A.C. R18-7-201(9).



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~~50-51.~~ "Hazardous substance UST system" means an underground storage tank system that contains a hazardous substance as defined in A.R.S. § 49-1001(13)(b) or any mixture of such substance and petroleum, which is not a petroleum UST system.

~~51-52.~~ "Heating oil" means petroleum that is No. 1, No. 2, No. 4--light, No. 4--heavy, No. 5--light, No. 5--heavy, or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for 1 of these fuel oils for heating purposes.

~~52-53.~~ "Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

~~53-54.~~ "Implementing agency" means, with respect to Article 3 only, the Department of Environmental Quality for UST systems subject to the jurisdiction of the state of Arizona, or the EPA for other jurisdictions or, in the case of a state with a program approved under 42 USC 6991 Section 9004 (or pursuant to a memorandum of agreement with EPA), the designated state or local agency responsible for carrying out an approved UST program.

~~54-55.~~ "Indian country" means, pursuant to 18 U.S.C. Section 1151, all of the following:

- a. All land within the limits of an Indian reservation under the jurisdiction of the United States government which is also located within the borders of this state, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
- b. All dependent Indian communities within the borders of the state whether within the original or subsequently acquired territory of the state;
- c. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

~~55-56.~~ "Induration" means the hardening of a rock or rock material by the action of heat, pressure, or the introduction of some cementing material not commonly contained in the original mass. Induration also means the hardening of a soil horizon by chemical action to form hardpan.

~~56-57.~~ "Installation" means the placement and preparation for placement of any UST system or UST system part into an excavation zone. Installation is considered to have commenced if both of the following exist:

- a. The owner and operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the UST system.
- b. The owner and operator has begun a continuous on-site physical construction or installation program or has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction at the site or installation of the UST system to be completed within a reasonable time.

~~58.~~ "IFCI" means International Fire Code Institute.

~~57-59.~~ "Legal defense cost" means, with respect to Article 3 only, any expense that an owner or operator, or provider of financial assurance incurs in defending against claims or actions brought under any of the following circumstances:

- a. By EPA or a state to require corrective action or to recover the costs of corrective action,
- b. By or on behalf of a 3rd party for bodily injury or

property damage caused by an accidental release,

- c. By any person to enforce the terms of a financial assurance mechanism.

~~58-60.~~ "Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

~~59-61.~~ "Local government" means a county, city, town, school district, water and aqueduct management district, irrigation district, power district, electrical district, agricultural improvement district, drainage and flood control district, tax levying public improvement district, local government public transportation system, and any political subdivision as defined under A.R.S. § 49-1001(12).

~~60-62.~~ "LUST" means leaking underground storage tank.

~~61-63.~~ "Maintenance" means those actions necessary to ensure the proper working condition of an UST system.

~~62-64.~~ "Motor vehicle fuel", for the purpose of Article 4 only, has that meaning ascribed to it in A.R.S. § 28-101(34).

~~63-65.~~ "New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988.

~~64-66.~~ "Noncommercial purposes" means, with respect to motor fuel, not for resale.

~~67.~~ "On-site control" means, for the purpose of Article 8 only, being at the location where tank service is being performed while tank service is performed.

~~65-68.~~ "On the premises where stored" means, with respect to A.R.S. § 49-1001(17)(b) only, a single parcel of property or any contiguous or adjacent parcels of property.

~~66-69.~~ "Operational life" means the period beginning when installation of the tank system has begun and ending when the tank system is properly closed in accordance with R18-12-271 through R18-12-274.

~~67-70.~~ "Overfill" means a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of a regulated substance to the environment.

~~68-71.~~ "Owner identification number" means the unique number assigned to the owner of an underground storage tank by the Department after the initial notification requirements of A.R.S. § 49-1002 are satisfied, or after a refund claim is submitted and approved pursuant to R18-12-409.

~~69-72.~~ "Petroleum marketing facility" means a facility at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

~~70-73.~~ "Petroleum marketing firm" means a firm owning a petroleum marketing facility. Firms owning other types of facilities with USTs as well as petroleum marketing facilities are considered to be petroleum marketing firms.

~~71-74.~~ "Petroleum UST system" means an UST system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. These systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

~~72-75.~~ "Pipe" or "Piping" means a hollow cylinder or tubular conduit that is constructed of non-earthen materials.

~~73-76.~~ "Pipeline facility" means new or existing pipe rights-of-way and any associated equipment, gathering lines, facilities, or buildings.

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- 74-77.** "Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible.
- 75-78.** "Provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an underground storage tank through 1 of the mechanisms listed in R18-12-306 through R18-12-312 or R18-12-316, including a guarantor, insurer, risk retention group, surety, or issuer of a letter of credit.
- 76-79.** "Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.
- 77-80.** "Repair" means to restore a tank or UST system component that has caused or may cause a release of regulated substance from the UST system.
- 78-81.** "Report of work" means a written summary of corrective action services performed.
- 79-82.** "Reserved and designated funds" means those funds of a nonprofit, not-for-profit, or local government entity which, by action of the governing authority of the entity, by the direction of the donor, or by statutory or constitutional limitations, may not be used for conducting UST upgrades, replacements, or removals, or for installing UST leak detection systems, or conducting corrective actions, including payment for expedited review of related documents by the Department, on releases of regulated substances.
- 80-83.** "Residential tank" means an UST system located on property used primarily for dwelling purposes.
- 84.** "Retrofit" means to add to an UST system, equipment or parts that were not originally included or installed as part of the UST system.
- 81-85.** "Routinely contains product" or "routinely contains regulated substance" means the part of an UST system which is designed to contain regulated substances and includes all internal areas of the tank and all internal areas of the piping, excluding only the vent piping.
- 82-86.** "Septic tank" means a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.
- 83-87.** "Solid Waste Disposal Act" for the purposes of this Chapter means the "federal act" as defined by A.R.S. § 49-921(3).
- 84-88.** "Spill" means the loss of regulated substance during the transfer to the UST system.
- 85-89.** "Storage facility" means, for the purpose of Article 4 only, the common, identifiable location at which deliveries of regulated substances are made to an underground storage tank, an above-ground storage tank, or to a group of underground and above-ground storage tanks, and to which the Department has assigned a single facility identification number.
- 86-90.** "Storm-water or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation, or of domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.
- 87-91.** "Substantial business relationship" means the extent of a business relationship necessary under Arizona law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the owner or operator.
- 88-92.** "Substantial governmental relationship" means the extent of a governmental relationship necessary under Arizona law to make an added guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract under R18-12-316 is issued "incident to that relationship" if it arises from a clear commonality of interest in the event of an UST release such as coterminal boundaries, overlapping constituencies, common ground water aquifer, or other relationship other than monetary compensation that provides a motivation for the guarantor to provide a guarantee.
- 89-93.** "Supplier" means, for the purpose of Article 4 only, with respect to collection of the UST excise tax, a person who is described by either A.R.S. § 28-1599.45(A) or (B). The term "supplier" includes a distributor, as defined by A.R.S. § 28-101(18), who is required to be licensed by A.R.S. Title 28, Chapter 9, Article 1.
- 90-94.** "Supplier identification number" means, for the purpose of Article 4 only, the unique number assigned to the supplier by the Department of Transportation for the purpose of administering the motor vehicle fuel tax under A.R.S. Title 28, Chapter 9, Article 1.
- 91-95.** "Surface impoundment" is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials, but which may be lined with man-made materials, that is not an injection well.
- 92-96.** "Suspected release" has that meaning ascribed to it in A.R.S. § 49-1001(15).
- 93-97.** "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties.
- 94-98.** "Tax" means, for the purpose of Article 4 only, the excise tax on the operation of underground storage tanks levied by A.R.S. Title 49, Chapter 6, Article 2.
- 95-99.** "Taxpayer" means, for the purpose of Article 4 only, the owner or operator of an underground storage tank who pays the tax.
- 96-100.** "Tester" means a person who performs tightness tests on UST systems, or on any portion of an UST system including tanks, piping, or leak detection systems.
- 97-101.** "Underground area" means an underground room, such as a basement, cellar, shaft or vault, and providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.
- 98-102.** "Underground storage tank" has the meaning ascribed to it in A.R.S. § 49-1001(17).
- 99-103.** "Unreserved and undesignated funds" means those funds that are not reserved or designated funds and can be transferred at will by the governing authority to other funds.
- 100-104.** "Upgrade" means the addition to or retrofit of an UST system or UST system parts, in accordance with R18-12-221, to improve the ability to prevent release of a regulated substance.

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- ~~101-105.~~ "UST" means an underground storage tank pursuant to A.R.S. § 49-1001(17).
- ~~102-106.~~ "UST grant account" or "grant account" means the account designated pursuant to A.R.S. § 49-1071.
- ~~103-107.~~ "UST regulatory program" means the program established by and described in A.R.S. Title 49, Chapter 6 and the rules promulgated thereunder.
- ~~104-108.~~ "UST system" or "tank system" means an underground storage tank, connected underground piping, and underground ancillary equipment and containment system, if any.
- ~~105-109.~~ "Volatile regulated substance" means any regulated substance that generally has the following chemical characteristics: a vapor pressure of greater than 0.5 mmHg at 20° C, a Henry's Law Constant of greater than  $1 \times 10^{-5}$  atm·m<sup>3</sup>/mol, and which has a boiling point of less than 250° - 300° C.
- ~~106-110.~~ "Wastewater treatment tank" means a tank system that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

**ARTICLE 6. UNDERGROUND STORAGE TANK  
ASSURANCE FUND**

**R18-12-601. Qualification Standards for Performing  
Corrective Action Services**

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. An individual shall be considered to be qualified as a contractor for purposes of this Section under one of the 2 following conditions:
1. If the individual is certified as a tank service provider by the Department under Article 8 of this Chapter,
  2. If the individual meets both of the following conditions requirements:
    - ~~1-a.~~ Possession of, pursuant to subsection (G), approved experience in the completion of 3 UST corrective action tasks within the past 5 years relating to the category for which qualification is sought.
    - ~~2-b.~~ Possession of a valid Arizona license where such license is required by the Registrar of Contractors pursuant to A.R.S. §§ 32-1121 through 32-1129.01.
- F. An individual who conducts tank testing, piping testing, or UST system testing shall be considered to be qualified as a tester for purposes of this Section if the individual meets both of the following conditions:
- ~~1.~~ Possession of, pursuant to subsection (G), approved experience in the completion of 3 UST system tests within the past 5 years relating to the category for which qualification is sought.
  - ~~2.~~ Possession of documentation or certification from the testing equipment manufacturer of successful completion of a course of training for a test method which meets the requirements for that method pursuant to 40 CFR 280.40 through 280.45, and which is certified by an independent third party as meeting the performance standards in 40 CFR 280.40 through 280.45, 40 CFR 280.40 through 280.45, as amended as of July 1, 1991, (and no future editions), is incorporated herein by reference and is on file with the Department of Environmental Quality and the Office of the Secretary of State has obtained the tightness testing certification pursuant to R18-12-803(A).
- G. No change.

- H. No change.
- I. No change.
- J. No change.

**ARTICLE 8. TANK SERVICE PROVIDER  
CERTIFICATION**

**R18-12-801. Applicability**

- A. Beginning from and after December 31, 1996, before any person performs or supervises tank service in Arizona the tank service provider shall be certified by the Department in accordance with R18-12-802 or R18-12-806. The certification requirements of this Article shall not apply to the site assessment or sampling requirements of this Chapter.
- B. A person who performs or supervises tank service shall present to the Department proof of certification when requested by the Department.

**R18-12-802. Transition**

- A. If a tank service provider does not obtain certification pursuant to R18-12-806 by January 31, 1997, the tank service provider who is subject to the requirements of this Article shall request, before January 31, 1997, temporary certification in writing from the Department. No tank service shall be performed on or after February 1, 1997, until the temporary certification is received from the Department. The request for temporary certification shall be submitted to the Department on the application form described under R18-12-806, except only the information described under subsections R18-12-806(C)(1), (C)(2), (C)(4), and (C)(6), shall be included. The Department shall issue a temporary certification card for the tank service category requested within 15 days following receipt of an administratively complete application.
- B. Temporary certification granted pursuant to subsection (A) of this Section shall expire March 31, 1997.
- C. When a tank service provider receives certification pursuant to R18-12-806, temporary certification is void.
- D. Temporary certification granted pursuant to subsection (A) of this Section cannot be used to satisfy the requirements for R18-12-601.

**R18-12-803. Categories of Certification**

The Department may certify a person who performs or supervises tank service in any 1 or more of the following categories:

1. Installation and retrofit of an UST.
2. Tightness testing of an UST.
3. Cathodic protection testing of an UST.
4. Decommissioning of an UST.
5. Interior lining of an UST.

**R18-12-804. International Fire Code Institute Exam:  
Additional Certification**

A person may qualify for certification by the Department as a tank service provider if the following conditions are met:

1. The person passes the IFCI examination for the category of certification being sought,
2. The person holds a manufacturer's certification for the use of a piece of equipment or methodology in addition to passing the IFCI examination for the category of certification being sought,
3. The person submits evidence of qualification for the category of certification being sought in accordance with R18-12-806.

**R18-12-805. Alternative Certification**

- A. A person may qualify for certification by the Department as a tank service provider if the requirements of R18-12-804(A) cannot be met because an IFCI examination is not available for

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the category of certification being sought. Qualification under this subsection by holding a certification from the technology manufacturer may be made if all of the following conditions exist:

1. The manufacturer of the technology has a process for certification of tank service providers and the person seeking qualification under this Section has received the manufacturer's certification.
  2. The certification is based on training or examination that evaluates competency specific to the tank service.
  3. The certification training or examination emphasizes any of the applicable codes of practices found in A.R.S. Title 49, Chapter 6 and the rules promulgated thereunder.
  4. The tank service technology is protective of human health and the environment.
  5. The person submits evidence of qualification under this subsection for the category of certification being sought in accordance with R18-12-806.
- B. A person may obtain certification for the category of cathodic protection tester in the following manner. A person who holds certification by the National Association of Corrosion Engineers as a "corrosion specialist", "cathodic protection specialist", "senior corrosion technologist", or the "corrosion technologist" is not required to take the IFCI examination for cathodic protection tester. The person shall submit evidence of qualification under this subsection in accordance with R18-12-806.
- C. If an examination is developed by IFCI for a category that has been previously certified under this Section, the IFCI examination shall be required for certification. The Department shall notify, in writing, all tank service providers certified for that category, of the existence of the replacement IFCI examination. A certified tank service provider will have 90 days from the date of receipt of notice from the Department to pass the IFCI examination and obtain qualification for certification under R18-12-804. Alternative certification under this Section will be void 91 days after the tank service provider is notified that the IFCI examination is required for certification under this Article.

**R18-12-806. Application; Certification**

- A. Except as provided in R18-12-802, a person who seeks to supervise or perform tank service beginning from and after December 31, 1996, shall obtain and submit a completed application form to the Department on the form prescribed by the Department for certification of each category of tank service under R18-12-803.
- B. A person who seeks certification for more than 1 category shall submit a separate application form for each category.
- C. A completed application form shall include all the following information:
1. Name, address (mail and physical), telephone number (home and business), aliases, and employer;
  2. Name of the category of tank service for which certification is sought;
  3. Proof of qualification as described in R18-12-804 or R18-12-805;
  4. Evidence of compliance with Occupational Safety and Health Administration requirements for the activities performed during tank service;
  5. A passport size photo of the applicant;
  6. A certification statement that the information submitted pursuant to this subsection is true, accurate, and complete.
- D. The Department shall either grant or deny certification within an overall timeframe of 30 days after receipt of an application. Within 15 days of receipt of the application, the Department

shall issue a notice of deficiency if the application is not administratively complete. If the deficiency is not cured within 30 days of the applicant's receipt of a notice of deficiency, the application is void, and re-application is required for certification. If the application is administratively complete, the Department shall have 15 days for substantive review of the application, and either issue a certification card or deny the application. If an application is denied, a hearing may be requested pursuant to A.R.S. Title 41, Chapter 6, Article 10. If the Department issues a written notice of deficiencies within the administrative completeness time frame, the administrative completeness review time frame and the overall time frame are suspended from the date the notice is issued until the date that the Department receives the missing information from the applicant.

**R18-12-807. Duration; Renewal**

- A. A supervisor or provider of tank service who receives certification under R18-12-806 pursuant to the R18-12-804 requirements shall be certified for the period of time permitted under the qualifying IFCI examination. Certification under R18-12-805 requirements shall be for the period allowed under the technology manufacturer's certification or 2 years, whichever is shorter.
- B. A person seeking renewal of certification shall submit to the Department an application form, in accordance with the provisions of R18-12-806, for each category of certification being sought, as described under R18-12-803. The application form shall be submitted within 30 days prior to the expiration of the IFCI examination or the expiration of the alternative certification period.
- C. The tank service provider shall notify the Department of any change to the information contained in the application form on file with the Department, by submitting a new application form within 30 days after the change.

**R18-12-808. Discontinuation of Tank Service**

- A. If the Department discovers that a supervisor or provider of tank service is or has performed tank service in Arizona without the Department certification required under this Article, or the tank service supervised or performed by a certified person is not in compliance with A.R.S. Title 49, Chapter 6, and the rules promulgated thereunder, the Department shall immediately notify the person performing tank service to stop work and make the area safe by securing the tank area to prevent bodily injury and unauthorized access.
- B. If the Department stops work pursuant to subsection (A), before work can continue, a certified tank service provider shall determine if the work already completed complies with the standards set forth in A.R.S. Title 49, Chapter 6, and the rules promulgated thereunder and certify work which meets the standards.

**R18-12-809. Suspension; Revocation of Certification**

- A. If the Department discovers that a tank service provider has falsified documents to obtain certification, the Department shall notify the tank service provider in writing by certified mail that certification is revoked effective 30 days after receipt of the notice as evidenced by the return receipt, unless a hearing is requested pursuant to A.R.S. Title 41, Chapter 6, Article 10. The revocation under this subsection shall be for the period of time that the certification would have remained valid. The Department shall not accept an application from an individual whose certification has been revoked under this subsection for the revoked category of certification during the revocation period.

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- B. If the Department discovers that a tank service provider has not performed tank service in compliance with A.R.S. Title 49, Chapter 6 and the rules promulgated thereunder, the Department shall notify the tank service provider in writing by certified mail that certification is suspended for 30 days, effective 30 days after receipt of the notice as evidenced by the return receipt, unless a hearing is requested pursuant to A.R.S. Title 41, Chapter 6, Article 10.
- C. If the Department discovers that a tank service provider has not performed tank service in compliance with A.R.S. Title 49, Chapter 6 and the rules promulgated thereunder, after the individual has had certification suspended pursuant to subsection (B), the Department shall notify the tank service provider in writing by certified mail that certification is suspended for 90 days, effective 30 days after receipt of the notice as evidenced by the return receipt, unless a hearing is requested pursuant to A.R.S. Title 41, Chapter 6, Article 10. The tank service provider shall surrender the certification card to the Department within 15 days following the effective date of the suspension. Failure to surrender the certification card shall result in revocation of certification for the remainder of the certification period. The tank service provider may request the certification card be returned after the 90-day suspension.
- D. If the Department discovers that a tank service provider has not performed tank service in compliance with A.R.S. Title 49, Chapter 6 and the rules promulgated thereunder, after the individual has had certification suspended pursuant to subsection (C) of this Section, the Department shall notify the tank service provider in writing by certified mail that certification is revoked for 2 years, effective 30 days after receipt of the notice as evidenced by the return receipt, unless a hearing is requested pursuant to A.R.S. Title 41, Chapter 6, Article 10. The tank service provider shall surrender the certification card to the Department within 15 days following the effective date of the revocation. A tank service provider subject to this subsection may re-apply for certification pursuant to R18-12-806, after the revocation period.
- E. The Department shall publish on a quarterly basis a list of all tank service providers who have received suspension or revocation pursuant to this Section during that quarter or whose revocation or suspension remains in effect for any portion of that quarter.
- F. The Department may refer the individual who has performed substandard work to the State Board of Technical Registration or the Registrar of Contractors.